

**PATENT****REMARKS**

Claims 26-30 remain in this application. In view of the remarks that follow, reconsideration and timely indication of allowance are respectfully requested.

Claims 26-30 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kennedy et al. (US 6,405,033 B1) in view of Sladek et al. (US 6,718,178 B1). These rejections are respectfully traversed.

Telephone calls to cellular phones may be disruptive when they are received at inconvenient times, such as during a meeting. If the recipient wants to take the call, he must allow the cellular phone to continue ringing while he leaves the meeting in search of a quieter place where he is able to speak aloud. However, if he wants to minimize disruption to the meeting while he leaves in search of a quieter place, he must press a button to terminate the call, sending the caller into voice mail. This stops the phone from ringing, but prevents the recipient from being able to answer the call once he arrives at the quieter place.

Applicant has disclosed a novel and unobvious approach for discreetly handling phone calls that a recipient cannot immediately answer but wishes to answer momentarily. This may be achieved by allowing the recipient to press a pre-programmed key on the cellular phone that will place the call in delayed status. In delayed status, the recipient's cellular phone stops ringing so that there is no disruption at the recipient's end, but the call is not terminated. Instead, the phone plays a prerecorded message to inform the caller that the recipient will answer the phone call shortly. Once the recipient reaches a more appropriate place to take the call, he can press a key on his cellular phone to discontinue the message and accept the call. Applicant's approach therefore

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allows the recipient to preserve the call connection and prevent continued ringing, until he is able to accept the call.

Referring now to the specific claims, Applicant submits that they recite subject matter which is neither disclosed nor suggested by art of record. Every claim in this case requires, either expressly or by way of reference, "responding to the first input by providing a prerecorded message in response to the incoming call; and accepting a second input to terminate the prerecorded message in response to the incoming call."

Kennedy, the primary reference relied on by the Examiner, discloses a mobile unit that can accept an incoming call and display the source of that call. However, Kennedy does not disclose the concept of responding to a first input to the mobile unit by providing a prerecorded message in response to the incoming call, and accepting a second input to the mobile unit to terminate the prerecorded message and answer the call. Instead, the Examiner relies on Sladek for this feature. According to the Examiner, Sladek teaches sending Short Message Service ("SMS") messages, and SMS messages are the equivalent of responding to a first input by providing a prerecorded message in response to the incoming call and accepting a second input to terminate the prerecorded message and answer the call. However, SMS messages are wholly different from prerecorded messages or answering incoming phone calls.

As explained in Sladek, for example at col. 5, lines 20-35, SMS messages are short text messages that may be sent to or from a mobile station. A person may type a desired text message, indicate a directory number associated with a destination mobile station, and then transmit an SMS message encapsulating the desired text message. Clearly, SMS messaging has nothing to do with either (1) responding to a first input by providing a prerecorded message in response to the

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incoming call, or (2) accepting a second input to terminate the prerecorded message and answer the call. Accordingly, the combination of Kennedy and Sladek is insufficient to establish a *prima facie* case of obviousness, and Applicant respectfully requests that this rejection be withdrawn.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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